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SEP 27 2001

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In re Application of  
ADAMS, David Reginald et al.  
US Application No.: 09/600,631  
PCT Application No.: PCT/GB99/00223  
Int. Filing Date: 22 January 1999  
Priority Date: 23 January 1998  
Attorney's File Reference: 040283/0182  
For: AZETIDINECARBOXAMIDE  
DERIVATIVES FOR TREATING CNS  
DISORDERS

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This notification responds to applicants' "SUBMISSION FO SUBSTITUTE EXECTUED DECLARATION", filed 18 September 2001, which was accompanied by, inter alia, a "REQUEST TO WITHDRAW PETITION FILED UNDER 37 CFR 1.47".

BACKGROUND

On 22 January 1999, applicants filed international application number PCT/GB99/00223, which claimed priority to a prior GB application filed 23 January 1998. The applicant filed a Demand for international preliminary examination on 09 July 1999. Accordingly, the thirty-month period for paying the basic national fee in the United States of America expired at midnight on 24 July 2000 since 23 July 2000 was a Sunday.

On 20 July 2000, applicants filed a transmittal letter for entry into the national stage in the United States of America, which was accompanied by, inter alia, the basic national fee.

On 10 August 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements indicating that the applicants must file an oath/declaration along with the surcharge for filing the oath/declaration later than 30 months from the priority date within one month from the mailing date of the Notification in order to avoid abandonment of the US national stage application. The notification also indicated that extensions of time were available under 37 CFR 1.136(a).

On 12 February 2001, the applicants filed, inter alia, a petition under 37 CFR 1.47 along with the requisite petition fee, a combined declaration and power of attorney (declaration), the surcharge for filing the declaration later than 30 months from the priority date, and a request for a 5 month extension of time. The declaration did not include the signature of Joy Miriam Shepherd, the legal representative of deceased inventor Robin Gerald Shepherd.

On 18 September 2001, applicants filed, inter alia, the present request to withdraw the petition under 37 CFR 1.47 along with a substitute declaration. The substitute declaration includes the names and signatures of all of the living inventors and includes the name and signature of Joy Miriam Shepherd, the legal representative of deceased inventor Robin Gerald Shepherd. The declaration also indicates that Joy Miriam Shepherd is the legal representative of deceased inventor Robin Gerald Shepherd.

### DISCUSSION

The declaration filed 18 September 2001 is acceptable under 37 CFR 1.42 and 1.497. Accordingly, the petition under 37 CFR 1.47 filed 12 February 2001 is moot.

It is noted that the declaration contains alterations concerning Robin Shepherd and Joy Shepherd. It is assumed that these alterations were inserted before Joy Shepherd signed the declaration. If this is not the case, applicants are required to immediately notify this Office and submit a new declaration.

### CONCLUSION

The petition under 37 CFR 1.47 filed 12 February 2001 is **DISMISSED** as moot.

The declaration filed 18 September 2001 is acceptable under 37 CFR 1.42.

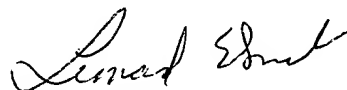
This application has a date under 35 USC 371 of 18 September 2001.

Any further correspondence with respect to this matter should be addressed to the Commissioner for Patents, Office of PCT Legal Administration, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office

This application is being forwarded to the US Designated/Elected Office for further processing in accordance with this decision and for issuance and mailing of a Notification of Acceptance Under 35 USC 371.



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